

Application No.: 10/533984

Docket No.: 05587-00381-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ursula Ziegler et al.

Application No.: 10/533984

Confirmation No.: 9615

Filed: May 5, 2005

Art Unit: N/A

For: COMPOSITE BODY MADE FROM
POLYACETAL, BONDING AGENT AND
POLYOLEFIN, METHOD FOR PRODUCTION
AND USE THEREOF

Examiner: Not Yet Assigned

TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant transmits herewith a copy of the International Preliminary Examination Report ("IPER") issued in a corresponding international application. The Examiner has deemed claims 9, 20 have novelty, claim 15 has inventive step, and claims 1-21 have industrial applicability. All references cited in the IPER have been cited by Applicant in an Information Disclosure Statement filed with the USPTO.

Applicant believes no fee is due with this response. However, if a fee is due, please

426783_1

Application No.: 10/533984

Docket No.: 05587-00381-US

charge our Deposit Account No. 03-2775, under Order No. 05587-00381-US from which the
undersigned is authorized to draw.

Respectfully submitted,

By _____

Ashley I. Pezzner

Registration No.: 35,646

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicant

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rule 72.2)

To:

TICONA GMBH
Patent- und Lizenzabteilung
Professor-Staudinger-Strasse
R300
65451 Kelsterbach
ALLEMAGNE

| | |
|---|---|
| Date of mailing (day/month/year) 07 July 2005 (07.07.2005) | |
| Applicant's or agent's file reference 2002/G021 | IMPORTANT NOTIFICATION |
| International application No. PCT/EP2003/012210 | International filing date (day/month/year) 03 November 2003 (03.11.2003) |
| Applicant TICONA GMBH et al | |

| | |
|--|--|
| <p>1. Transmittal of the translation to the applicant. The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.</p> <p>2. Transmittal of the copy of the translation to the elected Offices. The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:</p> <p>AZ, CA, CH, CN, GH, KG, KP, KR, MK, MZ, RU, TM</p> <p>The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:</p> <p>AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BW, BY, BZ, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW</p> <p>3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s). The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.</p> <p>It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.</p> | |
|--|--|

| | |
|---|-----------------------------------|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Authorized officer Ellen Moyse |
|---|-----------------------------------|

Faximile No. 41 22 333 80 75

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|---|--|---|
| Applicant's or agent's file reference 2002/G021 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/EP2003/012210 | International filing date (day/month/year) 03 November 2003 (03.11.2003) | Priority date (day/month/year) 05 November 2002 (05.11.2002) |
| International Patent Classification (IPC) or national classification and IPC B32B 7/12 | | |
| Applicant TICONA GMBH | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

| | |
|---|---|
| Date of submission of the demand 03 June 2004 (03.06.2004) | Date of completion of this report 20 January 2005 (20.01.2005) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Faxsimile No. | Telephone No. |

Form PCT/IPEA/409 (cover sheet) (July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/012210

I. Basis of the report

1. With regard to the elements of the international application:^{*}

the international application as originally filed

the description:
pages _____ 1-26 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19)
pages _____, filed with the demand
pages _____ 1-21 _____, filed with the letter of 23 November 2004 (23.11.2004)

the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/ or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, Nos. _____

the drawings, sheets/fig. _____

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).^{**}

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/12210

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|-----------------------|-----|
| Novelty (N) | Claims | 9, 20 | YES |
| | Claims | 1-8, 10-14, 16-19, 21 | NO |
| Inventive step (IS) | Claims | 15 | YES |
| | Claims | 1-14, 16-21 | NO |
| Industrial applicability (IA) | Claims | 1-21 | YES |
| | Claims | | NO |

2. Citations and explanations

Reference is made to the following documents:

D1: PATENT ABSTRACTS OF JAPAN Vol. 1999, No. 09, 30 July 1999 (1999-07-30) & JP 11 091040 A (POLYPLASTICS CO) 6 April 1999 (1999-04-06)

D3: MatWeb.com, The Online Materials Database: Overview EVA, Adhesive/sealant Grade (<http://www.matweb.com>); Copy joined.

A Amendments

The amendments submitted by the applicant with the letter of 23 November 2004 are allowed and in particular satisfy PCT Article 34(2) (b).

B Novelty

B.1 Document D1 discloses a co-extruded or dry-laminated laminate for the production of, *inter alia*, containers and pipes [0028-0033] and having the following structure: polyacetal (POM) // adhesion promoter // HDPE (example [0035-0039]). The adhesion promoter can be, for example, a copolymer consisting of an alpha-olefin and (meth)acrylic acid (alkylester), vinyl acetate, maleic acid (anhydride)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/12210

or itaconic acid (anhydride) etc., or a modified alpha-olefin (for example maleic acid anhydride-modified polyethylene) ([0017-22], [0035]).

In document D1 the composite adhesion is given in N/15mm (Table 1) and not, as in the application, in N/mm². Consequently, no direct comparison is possible. However, since in document D1 composite adhesion plays a decisive role [0004] and the structure is encompassed by the subject matter of the materials listed in claim 1, the Preliminary Examining Authority considers that the examples given in document D1 are prejudicial to the novelty of the subject matter of claim 1 of the present application (PCT Examination Guidelines 2004, paragraph 12.04).

Ethylene vinyl acetate copolymers usually have Vicat softening points above 50°C (see, for example, document D3).

The polyacetal in document D1 contains in addition a polyalkylene glycol modified with amino groups [abstract]. However, the presence of this component is not excluded by claim 1 of the present application.

Consequently, the subject matter of claims 1-8, 10-14, 16-19 and 21 is not novel (PCT Article 33(2)).

C Inventive step

The features of claims 9 and 20 concern only one of several obvious possibilities. In the view of the examiner, the application did not demonstrate that these features solve a technical problem in an inventive (surprising) manner.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/12210

The subject matter of claims 9 and 20 is therefore not inventive within the meaning of PCT Article 33(3).

D Industrial applicability

The subject matter of claims 1-23 meets the requirements for industrial applicability of PCT Article 33(4).